

## MODULE 2. INSULARISATION. CONSTRUCTION OF SPACE, “HOT SPOTS”

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**Capsule 2.** Ceuta and Melilla, laboratories for the externalization of European border policies.

The Spanish enclaves of Ceuta and Melilla, located on Morocco's Mediterranean coast, are the only Euro-African land borders. They have also long been areas of particular attention in terms of migration policies aimed at curbing the movement of people to European Union (EU) countries.

It was in the early 1990s that the first people from sub-Saharan Africa tried to reach Europe by crossing the border between Morocco and the cities of Ceuta and Melilla. This corresponds to the period when the policy of generalising visas was being implemented and, therefore, when it became increasingly difficult to enter European territory legally.

To try to keep these movements at bay, the Spanish state gradually raised the fences higher and higher and increased the means of control of this border. After 2005, the deadly events in Ceuta and Melilla -in which live fire from both sides of the border cost the lives of at least eleven people trying to cross the barrier surrounding these enclaves and injured hundreds more-, the Melilla-Nador area (a neighboring Moroccan city) continues to be the scene of permanent

violation of the fundamental rights of migrants, particularly those of sub-Saharan origin. In this area, members of the Moroccan and Spanish forces of law and order seem to benefit from impunity in the implementation of policies to combat irregular migration.

Although there is a Spanish law on foreigners (Ley de extranjería), Ceuta and Melilla have always been subject to a special regime due to their geographical extraterritoriality. Undoubtedly also due to the political interest in previously selecting people who could become candidates for immigration to Spain and, more broadly, to the European Union, turning these places into veritable selection zones.

After the war in Africa and especially during the Spanish Protectorate, the borders of Ceuta and Melilla were fluid and permeable. This situation lasted until the end of the Protectorate in 1956. It was only at the beginning of the 1990s, after the approval of the 1985 Law on Foreigners and the accession in 1991 to the Schengen Agreement (which came into force on 26 March 1995) that Spain really embarked on a policy of progressively closing its borders and began to build fences, making these borders increasingly militarized.

From 1991-1992 onwards sub-Saharan migrants arrived, when the former colonizing countries blocked access to Europe by generalizing the use of visas. The first fence was built in 1997. Then, when the great immigration arrived, just before 2005, an obstacle was installed: a double three-meter fence with blades (concertinas), but the migrants broke it every day. Then, its height was doubled to 6 meters. In 2007, the concertinas were removed because of the serious injuries they caused. It was at this time that the third fence was built. Subsequently, in 2013, the concertinas were reinstalled on the fences. In 2018, the concertinas were removed again. In both cases, the concertinas had been installed in the Moroccan side of the border. Morocco built the "fourth" fence in 2014<sup>38</sup> and reinforced it with

blades at the end of May 2015. The reinforcement of these devices does not prevent people from continuing to try to cross the border. According to the Melilla Civil Guard, they managed to cross the three fences in one minute. It was then decided to install an 'anti-climb' mesh on the fences, a mesh that does not allow fingers to pass through. The migrants then invented tools to climb the barrier, such as hooks in their hands or sneakers with screws embedded in the soles.

In Ceuta, the construction model of the fences is similar: external and internal fences, with a road between the two, and control by both Spanish and Moroccan patrols with state-of-the-art technology (detection cables, surveillance cameras, sound, movement and thermal sensors, lighting and night vision equipment...). The financing of the two fences surrounding the enclaves was partly financed by the "European Regional Development Funds".

In 1990, the first migrants from sub-Saharan Africa arrived in Melilla. At first, they were "hosted" in a former Red Cross hospital. After that, there were several sites: under tents in a football field for two years, then in an agricultural farm near the airport for three years. Finally, the Centre for the Temporary Stay of Immigrants (CETI) was created in 1999. Co-financed with EU funds, the CETI in Melilla was planned to accommodate 480 people. In April 2020 it had 782 places.

However, it has been frequently overcrowded and on some occasions has accommodated up to three times its official capacity. The CETI was built in response to the sub-Saharan migration of the 1990s, mainly young single males. This is an open centre - people can come and go from 7am to 11pm at night. There are about 150 people per dormitory. On entry, migrants are identified (fingerprinting, photo) and attend a medical consultation for a series of compulsory tests. During the day, people may be in their bed, or in the queue for the toilets, showers or the dining room. Although they can circulate outside the centre during the day, it is the entire city that constitutes

a kind of holding centre for these people. Life in the CETI is thus made to the rhythm of the untiring wait for the "exit", the departure to the Spanish mainland. The CETI in Ceuta began operating in March 2000. In April 2020 it had 512 places, a capacity expanded following the modification of its facilities in 2004. Each room is about 12 m<sup>2</sup> and there is space to accommodate ten people who are placed in bunk beds.

The management of transfers of residents from the CETI to the mainland constitutes a legal limbo of Spanish migration policies in the enclaves of Ceuta and Melilla. Indeed, these transfers from the enclaves to the Spanish mainland are not regulated in any way, as no law provides for them. In fact, no one knows when they are going to leave, and this particularly affects the people waiting in the CETI, especially psychologically. The CETI is conceived as a temporary reception centre but this temporariness is not defined. Transfers to the peninsula can take months, even years, to avoid what the authorities (in all European countries) like to call the "pull effect", discouraging people from being held indefinitely, since there is no maximum period of detention in the CETIs.

There is also a particularly dissuasive aspect for people who could apply for asylum in the enclaves insofar as they are not transferred until the examination of their asylum application is resolved. Many people give up their asylum claim because of the waiting time imposed on them before transfer to the mainland: it is longer than for those who do not apply for asylum. In fact, in Ceuta, asylum seekers are not transferred until the resolution of the examination of their dossier. The General Commissariat for Foreigners and Borders (CGEF) sent a circular specifying that the red asylum seeker's letter was not valid for crossing borders.

Indeed, in one enclave as in another, asylum seekers, who are authorised to move throughout Spanish territory, are deprived of this

right. Even though Ceuta and Melilla are Spanish cities, they are the only two exceptions in the Schengen area: people are subject to a double check, when entering the enclave and when leaving for the mainland. Thus, when people obtain their "red card" as asylum seekers, their access to the peninsula is limited by two phrases written on their document: "Not authorised to cross borders" and "Only valid in Melilla/Ceuta". The consequence is that the few people who do apply for asylum end up renouncing their claim for fear of being blocked for years in the CETI. This is therefore a dissuasive strategy used by the authorities to discourage people from applying for asylum.

Persons who are decided to be transferred because they are not asylum seekers or whose applications have been rejected are either sent directly to a Detention Centre for Foreigners (CIE) if there are places available and if the authorities are confident that they can obtain their expulsion to their country of origin; this is the "CIE route". If not, they are transferred to reception centres run by NGOs (ACCEM, Red Cross or CEAR) for a short stay; this is the "humanitarian route". And asylum seekers or persons recognised as refugees are transferred to Refugee Reception Centres (CAR), the "asylum route".

In March 2015, the asylum registration offices in Ceuta and Melilla, located at the border crossing, were opened. The opening of asylum offices in Ceuta and Melilla does not, however, seem to facilitate access to international protection for all persons on equal terms. In practice, it is impossible for a person from sub-Saharan Africa to access the asylum offices at the borders of Ceuta and Melilla. Figures given by UNHCR on the spot confirm this: between January and April 2015, more than 1500 asylum applications were registered at the border, almost all of them by Syrians (and Palestinians from Syria), but none by people from sub-Saharan African countries.

Being able to access the asylum office at the borders of Ceuta and Melilla depends on your skin colour. Sub-Saharan African nationals cannot reach the Melilla border crossing point because the Moroccan authorities block their access and regularly carry out collective arrests in the border area. Syrians or people from other Arab countries are able to access the asylum offices at the borders, often using forged Moroccan passports.

According to the UNHCR committee in Spain, 70% of the people from sub-Saharan Africa who try to cross the fence are asylum seekers<sup>15</sup>. However, when the Spanish authorities at the Ceuta and Melilla border crossings are asked why, according to them, there are no asylum seekers from sub-Saharan Africa, for the Guardia Civil the issue boils down to the fact that "sub-Saharans are economic migrants" and not asylum seekers.

In conclusion, the exceptional status of Ceuta and Melilla, as well as the converging interests in blocking people trying to reach Europe, make it possible to fill this legal vacuum regarding transfers to the peninsula and to perpetuate the discretionary control of Spain's external borders.

## Text sources

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# MIGR!MAGE

IMÁGENES  
DE LA MIGRACIÓN  
EN LA FRONTERA SUR

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